

PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a)		Docket Number 8CP-12236
In re Application of Satish K. Gaggar et al.		
Application Number 08/551,595		Filed 11/01/95
For FLAME RETARDANT POLYCARBONATE/GRAFT COPOLYMER BLENDS EXHIBITING HEAT AGING STABILITY		
Group Art Unit 1511	Examiner V. Hoke	



This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a response in the above identified application.

The requested extension and appropriate non-small-entity fee are as follows
(check time period desired):

- | | | |
|-------------------------------------|-------------------------------|-----------|
| <input type="checkbox"/> | One month (37 CFR 1.17(a)) | \$ _____ |
| <input type="checkbox"/> | Two months (37 CFR 1.17(b)) | \$ _____ |
| <input checked="" type="checkbox"/> | Three months (37 CFR 1.17(c)) | \$ 930.00 |
| <input type="checkbox"/> | Four months (37 CFR 1.17(d)) | \$ _____ |

- ☐ Applicant is a small entity under 37 CFR 1.9 and 1.27, therefore the fee amount shown above is reduced by one-half, and the resulting fee is: \$ _____

A verified statement of small entity status as a small entity under 37 CFR 1.27:

- ☐ is enclosed
☐ has already been filed in this application.

- ☐ A check in the amount of the fee is enclosed.
☐ The Commissioner has already been authorized to charge fees in this application to a Deposit Account.
☒ The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number 07-0862. I have enclosed a duplicate copy of this sheet.

I am the ☐ assignee of record of the entire interest.

Certification under 37 CFR 3.73(b) ☐ is enclosed.
☐ has already been filed in this application.

☐ applicant(s) (signatures of all applicant are required).

☒ attorney or agent of record.

☐ attorney or agent under 37 CFR 1.34(a).

Registration number if acting under 37 CFR 1.34(a)

April 28, 1997
Date

Li-Hua Luo
Signature
37,986
Typed or Printed Name

SEND TO : Assistant Commissioner for Patents, Washington, DE 20231.

CERTIFICATE OF MAILING (37 CFR 1.8a)

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the: Commissioner of Patents and Trademarks, Washington, DC 20231.

Date April 29, 1997

Elizabeth A. Thoresen
Elizabeth A. Thoresen

70579 U.S. PTO
08/841027
04/29/97

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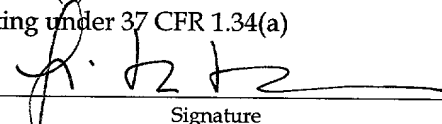
☐ applicant(s) (signatures of all applicant are required).

☒ attorney or agent of record.

☐ attorney or agent under 37 CFR 1.34(a).

Registration number if acting under 37 CFR 1.34(a)

April 28, 1997
Date

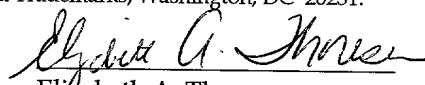

Signature
Li-Hua Luo 37,986
Typed or Printed Name

SEND TO : Assistant Commissioner for Patents, Washington, DE 20231.

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Date: April 29, 1997


Elizabeth A. Thoresen

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Docket No. 8CP-12236A (FWC of 8CP-12236)

Anticipated Classification of this application:

Class 1511 Subclass _____

PRIOR APPLICATION

Serial Number: 08/551,595

Examiner: V. Hoke

Art Unit: 1511

BOX FWC

Commissioner of Patents and Trademarks

Washington, DC 20231

FILE WRAPPER CONTINUING APPLICATION (FWC) TRANSMITTAL

I. This is a request for a filing under the file wrapper continuing application procedure, 37 CFR 1.62, for a

- ☒ continuation
☐ divisional
☐ Continuation-in-part (*for oath or declaration see III below*)
☐ _____ attached is an amendment for added subject matter
☐ continuing application to permit consideration of an information disclosure statement under 37 CFR 1.97.

PARTICULARS OF PRIOR APPLICATION


- A. Application Serial No. 08/551,595 filed 11/01/95.
B. Title (as originally filed and as last amended) FLAME RETARDANT POLYCARBONATE/GRAFT COPOLYMER BLENDS EXHIBITING HEAT AGING STABILITY.
C. Name of applicant(s) (as originally filed and as last amended) and current correspondence address of applicant(s).

Full Name of Inventor:	Satish Kumar Gaggar
Country of Citizenship:	United States
Residence Address:	Dupont Manor, Box 349, Rt. 3, Parkersburg, WV 26101
Post Office Address:	Same as above

Full Name of Inventor:	Fuh-Sheng Chen
Country of Citizenship:	Taiwan
Residence Address:	201 Third St., Apt. 5J, Parkersburg, WV 26101
Post Office Address:	Same as above

CERTIFICATION UNDER 37 CFR 1.10

I hereby certify that this FWC transmittal and the documents referred to as attached therein are being deposited with the United States Postal Service on this date April 29, 1997 in an envelope as "Express Mail Post Office to Addressee" mailing Label Number EM599902660US addressed to the: Commissioner of Patents & Trademarks, Washington, DC 20231.


Elizabeth A. Thoresen

The above identified application in which no payment of the issue fee, abandonment of (other than where the above identified application was abandoned under 37 CFR 1.313(b)(5) to permit consideration of an information disclosure statement under 37 CFR 1.97), or termination of proceedings has occurred, is hereby expressly abandoned as of the filing date of this new application. Please use all contents of the prior application file wrapper, including the drawings, as the basic papers for the new application.

It is understood that secrecy under 35 U.S.C. 122 is hereby waived to the extent that if information or access is available to any one of the applications in the file wrapper of a 37 CFR 1.62 application, be it either this application or a prior application in the same file wrapper, the PTO may provide similar information or access to all the other applications in the same file wrapper.

II. Inventorship statement

- (a) ☒ This application discloses and claims only subject matter disclosed in the prior application whose particulars are set out above and the inventor(s) in this application are ☒ the same
☐ less than those named in the prior application and it is requested that the following inventor(s) identified above for the prior application be deleted:

(Type name(s) of inventor(s) to be deleted)

- (b) ☐ This application discloses and claims additional disclosure by amendment and a new declaration or oath is being filed. With respect to the prior application whose particulars are set out above the inventor(s) in this application are ☐ the same
☐ add the following additional inventor(s)

(Type name of inventor(s) to be added)

- (c) ☒ The inventorship for all the claims in this application is ☒ the same
☐ not the same, and an explanation, including the ownership of the various claims at the time the last claimed invention was made, is submitted.

III Declaration or oath

A. Continuation or divisional

 X none required

B. Continuation-in-part

 attached

 executed by (check all applicable items)

 inventor(s).

 legal representative of inventor(s) 37 CFR 1.42 or 1.43.

 joint inventor or person showing a proprietary interest for inventor who refused to sign or cannot be reached. 37 CFR 1.47;

 This is the petition required by 37 CFR 1.47 and the statement required by 37 CFR 1.47 is also attached.

 not attached

 Application is made by a person authorized under 37 CFR 1.41(c) on behalf of all of the above named applicant(s).

 showing that the filing is authorized.

IV Identification of Claims for Further Prosecution

 X The fees to be charged are to be based on the number of claims remaining as a result of the

 X attached preliminary amendment.

 the unentered amendment filed under 37 CFR 1.116 in the prior application, which is now repeated and applicant respectfully requests entry of the amendment.

 the claims as on file in the prior application.

V. Fee Calculation (37 CFR 1.16)

CLAIMS FOR FEE CALCULATION

Basic Filing Fee							\$ 770
Claims	# Filed			# Extra	Rate		
Total	8	-	20	=	0	X	\$ 0
Independent	2	-	3	=	0	X	\$ 0
Multiple Dependent Claims					X	\$260	= \$ 0
TOTAL FILING FEE:							\$ 770

VI. Petition for Suspension of Prosecution for the time Necessary to File an Amendment

 There is provided herewith a Petition to Suspend Prosecution For The Time Necessary to File An Amendment (New Application Filed Concurrently).

VII. Small Entity Statement

- ☐ A verified statement that this is a filing by a small entity is attached.
- ☐ The small entity statement was filed in the parent application Serial No. which parent application was filed on and this status is still proper and its benefit under 37 CFR 1.28(a) is hereby claimed.

Filing fee calculation (50% of above) \$

VIII. Fee Payment Being Made at This Time

Not attached

- ☐ No filing fee is submitted. (This and the surcharge required by 37 CFR 1.16(e) can be paid subsequently.)

Attached

- | | |
|--|-------------------------|
| <input checked="" type="checkbox"/> filing fee | \$ 770 |
| <input type="checkbox"/> recording assignment (\$40.00; 37 CFR 1.21(h)). | |
| <i>See item XIV below.</i> | \$ <input type="text"/> |
| <input type="checkbox"/> petition fee for filing by other than all the inventors or person not the inventor where inventor refused to sign or cannot be reached (\$40.00; 37 CFR 1.47 and 1.17(h)) | \$ <input type="text"/> |
| <input type="checkbox"/> processing and retention fee (\$130.00; 37 CFR 1.53(d) and 1.21(l)) | \$ <input type="text"/> |
| Total fees enclosed | \$ 770 |

IX. Method of Payment of Fees

- | | |
|--|-------------------------|
| <input type="checkbox"/> attached is a check in the amount of | \$ <input type="text"/> |
| <input checked="" type="checkbox"/> charge Account No. 07-0862 | \$ 770 |
| <input checked="" type="checkbox"/> a duplicate of this request is attached. | |

X. Authorization to Charge Additional Fees

- ☒ The Commissioner is hereby authorized to charge the following additional fees which may be required by this paper and during the entire pendency of this application to Account No. **07-0862**
- ☐ 37 CFR 1.16(a), (f) or (g) (filing fees)
- ☒ 37 CFR 1.16(b), (c) and (d) (presentation of extra claims)
- ☐ 37 CFR 1.16(e) (surcharge for filing the basic filing fee and/or declaration on a date later than the filing date of the application)
- ☒ 37 CFR 1.17 (application processing fees)
- ☐ 37CFR 1.18 (issue fee at or before mailing of Notice of Allowance, pursuant to 37 CFR 1.1311(b))

XI. Instructions as to Overpayment

- ☒ credit Account No. **07-0862**.
- ☐ refund

XII Priority - 35 U.S. C. 119

- ____ Priority of application Serial No. ____ filed on ____ in (country) is claimed under 35 U.S.C. 119.
- ____ The certified copy has been filed on ____ in prior U.S. application Serial No. ____, which prior application was filed on ____.
- ____ Certified copy will follow

XIII. Relate Back - 35 U.S.C. 120

- ☒ Amend the specification by inserting before the first line the sentence:
"This is a
 ☒ continuation of
 ____ divisional
 ____ continuation-in-part
of copending application(s).
☒ serial number 08/551,595 filed on 11/01/95."
____ International Application ____ filed on ____ and which designated the U.S."

XIV Assignment

- ☒ the prior application is assigned of record to **GENERAL ELECTRIC COMPANY**
____ an assignment of the invention to _____
is attached. A separate "ASSIGNMENT COVER LETTER ACCOMPANYING NEW PATENT APPLICATION" is also attached.

XV. Power of Attorney

- The power of attorney in the prior application is to: Li-Hua Luo
- a. ☒ The power appears in the original papers in the prior application.
- b. ____ The power does not appear in the original papers, but was filed on ____.
- c. ____ A new power has been executed and is attached.
- d. ☒ Address all future communications to:

Li-Hua Luo
GE Plastics
One Plastics Avenue
Pittsfield, MA 01201

XVI Maintenance of Copendency of Prior Application

- ____ A petition, fee and response has been filed to extend the term in the pending **prior** application until _____.
- ☒ A copy of the petition for extension of time in the **prior** application is attached.

XVII. Conditional Petitions for Extension of Time in Prior Application

- ____ A conditional petition for extension of time is being filed in the pending **prior** application

_____ A copy of the conditional petition for extension of time in the **prior** application is attached.

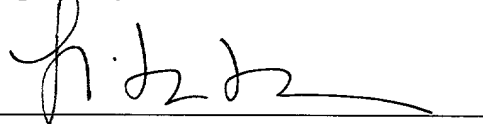
XVIII. Abandonment of Prior Application

 X Please abandon the prior application at a time while the prior application is pending or when the petition for extension of time or to revive in that application is granted and when this application is granted a filing date so as to make this application copending with said prior application. At the same time please add the words "now abandoned" to the amendment to the specification set forth in XIII above.

XIX. INFORMATION DISCLOSURE STATEMENT

_____ Submitted herewith is an Information Disclosure Statement

Respectfully submitted,



Li-Hua Luo
Attorney for Applicant
Registration No. 37,986
Telephone No. (413) 448-7734

General Electric Company
One Plastics Avenue
Pittsfield, MA 02101
April 27, 1997

Assignee: General Electric Company
New York

Assignment recorded in PTO on : 11/01/95
Reel 7756 Frame 0024

_____ Plus ADDED PAGE FOR INVENTOR'S DATA FOR FWC FILING
_____ Plus ASSIGNMENT (DOCUMENT) COVER LETTER
_____ ACCOMPANYING NEW PATENT APPLICATION

LHL/et

8CP-12236A

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Satish Kumar Gaggar et al.
Serial Number: Not Yet Assigned
Filed: Herewith
Examiner: Not Yet Assigned
Art Unit: Not Yet Assigned
Title: FLAME RETARDANT POLYCARBONATE/GRAFT
COPOLYMER BLENDS EXHIBITING HEAT AGING
STABILITY

Honorable Commissioner of Patents and Trademarks
Washington, DC 20231

PRELIMINARY AMENDMENT

Dear Sir:

Before action, please amend the claims as follows and consider the following
Remarks.

CERTIFICATE OF MAILING (37 CFR 1.8a)

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the: Commissioner of Patents and Trademarks, Washington, DC 20231.

Date: April 29, 1997

Elizabeth A. Thoresen
Elizabeth A. Thoresen

IN THE CLAIMS

Please cancel claim 1 and 8 without prejudice or disclaimer.

Please add new claims as follows:

9. A method for improving heat/humidity aging resistance of a flame retardant thermoplastic composition, comprising the steps of:
- (a) providing an aromatic polycarbonate resin present at a level of from 60 to 90 percent by weight based on the total weight of the composition,
 - (b) providing a vinyl aromatic-unsaturated nitrile-diene rubber graft copolymer present at a level of from 8 to 15 percent by weight based on the total weight of the composition,
 - (c) providing a vinyl aromatic-unsaturated nitrile rigid resin present at a level of from 1 to 10 percent by weight based on the total weight of the composition,
 - (d) providing a phosphate present at a level of from 3 to 15 percent by weight based on the total weight of the composition; and
 - (e) providing a tetrafluoroethylene polymer present at a level of from 0.05 to 2.0 percent by weight based on the total weight of the composition, wherein said diene rubber of said graft copolymer is present at a level of from 6 to 12 percent by weight based on the total weight of the composition.
10. A method for improving heat/humidity aging resistance of a flame retardant thermoplastic composition comprising the steps of:
- (a) providing an aromatic polycarbonate resin present at a level of from 60 to 90 percent by weight based on the total weight of the composition,
 - (b) providing a vinyl aromatic-unsaturated nitrile-diene rubber graft copolymer present at a level of from 8 to 15 percent by weight based on the total weight of the composition,
 - (c) providing a vinyl aromatic-vinyl cyanide rigid resin present at a level of

from 1 to 10 percent by weight based on the total weight of the composition,

- (d) providing a phosphate present at a level of from 3 to 15 percent by weight based on the total weight of the composition; and
- (e) providing a tetrafluoroethylene polymer present at a level of from 0.05 to 2.0 percent by weight based on the total weight of the composition, wherein said diene rubber of said graft copolymer is present at a level of from 4 to 12 percent by weight based on the total weight of the composition, wherein said aromatic polycarbonate resin is a combination of a moderate molecular weight polycarbonate having a weight average molecular weight of between 30,000 and 80,000 and a low molecular weight polycarbonate having a number average molecular weight of between 2,000 and 10,000,

wherein said vinyl aromatic-vinyl cyanide rigid copolymer is a styrene-acrylonitrile copolymer having a number average molecular weight of between 10,000 and 100,000.

Please amend the claims as follows:

Claim 2, line 1, please delete "The composition of Claim 1" and insert in place thereof --The method of Claim 9 --.

Claim 3, line 1, please delete "The composition" and insert in place thereof -- The method --.

Claim 4, line 1, please delete "The composition" and insert in place thereof -- The method --.

Claim 5, line 1, please delete "The composition of Claim 1" and insert in place thereof -- The method of Claim 9 --.

Claim 6, line 1, please delete "The composition" and insert in place thereof --The method --.

Claim 7, line 1, please delete "The composition of Claim 1" and insert in place thereof -- The method of Claim 9 --.

REMARKS

Upon entry of the Amendment, Claims 2-7, 9 and 10 will be pending in the Application.

By the above Amendment, Claims 1 and 8 have been canceled without prejudice or disclaimer; new Claims 9 and 10 have been added; Claims 2-7 have been amended to depend from new Claim 9. These changes do not introduce new matter into the claims pursuant to 35 U.S.C. § 132, and entry of the Amendment is respectfully requested.

Based on the above Amendment and the following Remarks, Applicants respectfully request that the Examiner reconsider the rejection, and that she withdraw it.

Rejection under 35 U.S.C. § 103

On page 2 of the Office Action, Claims 1-8 stand rejected under 35 U.S.C. § 103 as being unpatentable over Gosen et al., Wittman et al., Kambour, Fukasawa et al. and Kress. To the extent that the Examiner may consider the rejection to be applicable to new Claims 9 and 10, it is respectfully traversed.

The utilization of phosphate flame retardants in ABS/aromatic polycarbonate blend compositions with PTFE is known in the art, but such compositions can exhibit less than desired levels of weatherability. Shipment and storage of articles made of these materials in extremely hot, humid climates, e.g. Southeast Asia, can expose the articles to prolonged exposure of heat and humidity which can undesirably result in embrittlement and loss of impact properties in the article. There has been a long felt need to develop a method for enhancing retention of impact properties upon prolonged exposure to heat and humidity. Applicants have unexpectedly found that with increasing HRG loading of such compositions, the Izod impact strength after heat and humidity aging is substantially maintained. As demonstrated in the Table on page 17 of the Specification,

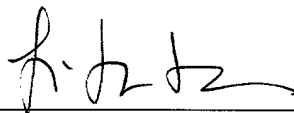
all samples contain higher rubber than the control sample still retain about 80% of the original value and fail in ductility while the control sample fails in brittle with low impact value after one week. This is a very dramatic improvement over the current control sample. Applicants believe that the higher rubbery phase might toughen the embrittled matrix sufficiently and thus helps to retain the good impact strength. It is respectfully submitted that none of the references cited by the Examiner teaches or suggests this new discovery. Thus, the section 103 rejection is improper and withdrawal of the rejection is respectfully requested.

Conclusion

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance. Should the Examiner have any questions after reviewing this Preliminary Amendment, she is cordially invited to call the undersigned attorney so that this case may receive an early Notice of Allowance.

Favorable consideration and allowance are earnestly solicited.

Respectfully submitted:



Li-Hua Luo
Attorney for Applicants
Registration No. 37,986
Telephone No. (413) 448-7734

GENERAL ELECTRIC CO
One Plastics Avenue
Pittsfield, MA 01201
April 29, 1997
LHL/et